

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JANUARY 2, 2007

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Mark Webb and John Barnett were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the December 19, 2006 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the January 2, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

DL82-21381 WAL-MART STORES EAST LP – Hearing Judge Choe recommended the Commission reverse the local board's recommendation and approve the new permit because the local board's recommendation was arbitrary and capricious and was not supported by sound evidence.

Vice Chairman Johnson moved to uphold the hearing judge's recommendation and approve the new permit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR45-01571 PARALLAX MANAGEMENT CORPORATION - Hearing Judge Choe recommended the Commission reverse the local board's recommendation and approve the renewal permit because the local board made an erroneous assumption of law and standard and the recommendation was not based on sound evidence.

Vice Chairman Johnson moved to uphold the hearing judge's recommendation and approve the renewal permit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as

part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Two hundred sixteen (216) renewals approved, twenty-two (22) new and/or transfer permits approved, one (1) permit approved for catering, one (1) permit approved for first year escrow, three (3) permits approved for second year escrow, one (1) permit approved for third year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR46-08657 SANTIAGO'S DOS, INC. – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated there is no tape of the local board meeting and, therefore, the record is incomplete. The Commissioner moved to table this matter until the Commission can investigate this matter to see what happened at the local board meeting for the record. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

Vice Chairman Johnson moved to make four (4) permits inactive. Three (3) permits are subject to auction and one (1) permit is not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

RR84-05940 G & R VIGO AND ASSOCIATES, INC. – Commissioner Guthrie noted the Commission received a request for extension of escrow for this permit, however, this permit was made inactive previously and reactivated. The permit has been dormant for over ten years.

Commissioner Guthrie moved to deny the request for additional escrow and make the permit inactive. Motion seconded by Commissioner Sturtz and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under Advisement

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2007.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER